

REMARKS

This is in response to the non-final Official Action currently outstanding with respect to the above-identified application.

Claims 1-17 were present in this application as of the time of the issuance of the currently outstanding Official Action. By the foregoing Amendment, Claims 6, 11, 12 and 17 have been amended. No claims have been cancelled. New Claims 18 and 19 have been added. No new matter has been added to this application by virtue of the amendment of any of the claims or the addition of new claims. The amendments to the claims correct certain minor grammatical errors and/or clarify and expressly set forth subject matter that heretofore was inherent therein. Further, both of the new claims are clearly supported by the originally filed specification at page 26, first paragraph and at page 31, second and third paragraphs. Accordingly, upon the entry of the foregoing Amendment, Claims 1-19 will constitute the claims under active prosecution in this application.

A version of the claims as they will stand upon the entry of this amendment is set forth above as required by the Rules.

More specifically, it is noted that in the currently outstanding Official Action, the Examiner has:

1. Acknowledged Applicants' claim for foreign priority under 35 USC 119(a)-(d), and indicated that the required certified copies of the priority document have been received by the United States Patent and Trademark Office.

2. Provided Applicants with a copy of a Notice of References Cited (Form PTO-892) and copies of the references cited therein.
3. Acknowledged Applicants' Information Disclosure Statements by providing Applicants with a copy of the Forms PTO-1449 that accompanied those Statements duly signed, dated and initialed by the Examiner to confirm his consideration of the art disclosed therein;
4. Objected to the drawings on the basis that Figures 6-10 should be designated by a legend such as -- PRIOR ART—because only that which is old is depicted therein, and required Applicants to file corrected formal drawings incorporating appropriate revisions to overcome this objection.
5. Rejected Claims 1-16 under 35 USC 102(e) as being anticipated by the Horimai et al reference (US Patent No. 6,215,758).
6. Rejected Claim 17 under 35 USC 102(b) as being anticipated by the Minoru, et al reference (U.S. Patent 6,292,451).
7. Indicated that the remaining art is considered to be pertinent to Applicants' specification, but failed to apply any of that art against any of the currently outstanding claims of this application.

Further comment concerning items 1-3 and 7 is not deemed to be required in these Remarks.

With respect to item 4, Applicants are filing concurrently herewith a new set of formal drawings for this application wherein the legend -- PRIOR ART -- has been added to Figs. 6-10. Applicants respectfully submit that these new drawings remove the basis for the Examiner's currently outstanding objection to the drawings of this application. A decision accepting these new formal drawings and withdrawing the currently outstanding objection directed to the drawings of this application in response to this submission is therefore respectfully requested.

With respect to the Examiner's substantive rejections in items 5 and 6 above, the Examiner has apparently understood the portion designated ARd in the references both as being a synchronization field (see rejection of claim 1) and as being a data segment (see rejection of claim 7). Applicants respectfully submit, however, that neither of the references applied by the Examiner discloses a "synchronization field" as disclosed and claimed in the present application.

More specifically, Applicants respectfully submit that the references both show "frames" that correspond to the presently claimed "sectors". These frames/sectors include a plurality of segments arranged in a series starting with address segments, which are followed by data segments. Further, both the address segments and the data segments start with a "clock mark field" portion, which is followed by a data field portion (see ARs and ARd of the cited references and Figs. 1(b) and 1(c) of the present application). However, nothing in the cited references teaches, discloses or suggests synchronization fields as representatively shown as portions "S" in the data segments of the present invention (see Fig. 2). Accordingly, Applicants respectfully submit that while the references appear to show the identification of track types by virtue of differences in the pit patterns present in the clock mark fields of the ARs, they are not directed to, nor do they in any way to solve, the synchronization problem addressed by the present invention.

Accordingly, Applicants respectfully **traverse** the currently outstanding rejections of Claims 1-17 of this application. The bases of this traversal with respect to each the specific claims here at issue follows.

With respect to Claim 1 and the claims dependent thereon, the Examiner has mistakenly asserted that the synchronization field of the present invention is the same, or equivalent to, the data area ARd of the Horimai, et al reference (see Fig. 4). Applicants respectfully submit, however, that the area ARd of the Horimai, et al reference is made up of a pre-write area PR, a DATA RECORDING AREA, and a post-write area PO as illustrated in Fig. 5D and explained at col.8, lines 1-32 of the Horimai et al patent. The data area ARd of the Horimai et al reference corresponds to the data segment (Fig. 1c) of the present invention less the CM field.

Accordingly, Applicants respectfully submit that the Horimai et al data area ARd is not a “synchronization pattern with which displacement of data is corrected” as recited in Claim 1 of this application, and that the Horimai et al reference nowhere teaches, discloses or suggests that their data area ARd functions to **correct data displacement**. Therefore, the Horimai et al reference not only does not teach, disclose or suggest all of the elements of the present claim 1, but also the structure actually disclosed by Horimai et al does not produce the effect of the present invention that : “...even if a defective clock mark causes the data to be displaced when recorded, the data in the data segments subsequent to the data segment for the data displaced can be recorded correctly by correcting the displacement according to a synchronization pattern in a data segment subsequent to the data segment for the displaced data.” (See, present specification at Page 15, paragraph 2)

With respect to Claim 6 and the claims that depend therefrom, it is respectfully noted that Claim 6 has been amended hereinabove so as to specifically recite the heretofore implied/inherent feature that the synchronization pattern is used for the correction of data displacement. Accordingly, it will be understood that as so amended Claim 6 and the claims that depend therefrom are clearly patenatably distinct from the Horimai et al reference for the same reason as just discussed with regard to Claim 1 and the claims dependent therefrom.

With respect to Claim 8 and the claims dependent therefrom, the Examiner mistakenly asserts that the data rearrangement circuit of the present invention is the same as, or equivalent to, the circuit 14 of the Horimai, et al reference (see, Fig. 52). The error in this instance is clear. Claim 8 specifically recites that the data rearrangement circuit of the present invention functions to ***detect a synchronization pattern...correct displacement of the data according to the detected synchronization pattern.*** On the other hand, however, the circuit 14 of the Horimai et al reference as explained at Col. 52, lines 54-62 thereof does not act for the detection of a synchronization pattern, much less for the correction of displacement of the data according to the detected synchronization pattern.

With respect to Claim 12 and the claims dependent therefrom, the Examiner mistakenly asserts that the data reproduction means of the present invention is the same as, or equivalent to, the circuit 14 of the Horimai, et al reference (see, Fig. 52). The error in this instance also is clear. Claim 12 specifically recites that the reproduction means of the present invention functions to ***correct displacement of data in the sector according to a result of the detection of the synchronization pattern.*** On the other hand, however, the circuit 14 of the Horimai et al reference as explained at Col. 52, lines 54-62 thereof does not act for the detection of a synchronization pattern, much less for the correction of displacement of the data according to the detected synchronization pattern.

With respect to Claim 14 and the claims dependent therefrom, the Examiner mistakenly asserts that the synchronization pattern addition circuit of the present invention is the same as, or equivalent to, the circuit 14 of the Horimai et al reference. The error in this instance also is clear. Claim 14 specifically recites that the synchronization pattern addition circuit of the present invention functions to ***add a synchronization pattern for correcting displacement of the data to recorded data.*** On the other hand, however, the circuit 14 of the Horimai et al reference as explained at column 52 thereof is used for generating REPRODUCTION DATA, i.e., reproduction, not for the addition of a pattern in synchronism with the data to be recorded at the time of recording.

Finally, with respect to Claim 17, it is noted that Claim 17 has hereinabove been amended in a manner similar to the amendment of Claim 6 for a similar reason. Therefore, it will be seen that the Examiner mistakenly asserts that the recording means of the present invention functions as the equivalent of the circuit 120 of the Minoru reference. However, Claim 17 specifically recites that the recording means of the present invention functions to ***record synchronization patterns, together with recording data, in each data field using the clock at a predetermined cycle.*** This is clearly distinct from the circuit 120 of Minoru as explained at Column 16, line 34 to Column 17, line 23 thereof. In particular, Minoru indicated that quite differently from the recording means of the present invention the circuit 120 is used to scramble user data to convert it to NRZI data and record the data in a pre-write area ARPR (See, Fig. 6); and equivalent to the pre-write field of the present invention). Clearly, this is not the recordation of a synchronization pattern for the correction of displaced data as the Examiner's rejection would suggest.

It is so well known as not to require citation that in order to reject a claim under 35 USC 102 as being anticipated it must be shown that all of the elements of the claim are contained in a single prior art reference in the same operative relationship to one another as that claimed. For the reasons set forth herein, Applicants respectfully submit that the Examiner not only has failed to establish anticipation under this standard, but he has failed to establish that the references he has applied against the present claims would have taught, disclosed or suggested the present invention to one of ordinary skill in the art at the time that it was made.

Accordingly, reconsideration of this application as hereinabove amended and the allowance of Claims 1-19 in response to this communication are respectfully requested.

Finally, Applicants believe that additional fees are not required in connection with the consideration of this response to the currently outstanding Official Action. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. **04-1105**, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this communication.

Respectfully submitted,

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